United Nations A/C.4/53/SR.6

General Assembly
Fifty-third session

Official Records

Distr.: General
30 November 1998
English
Original: French

Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 6th meeting
Held at Headquarters, New York, on Monday, 12 October 1998, at 3 p.m.

Chairman: Mr. Macedo ..... (Mexico)

Contents

Agenda item 18: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples* (*continued*)

Agenda item 87: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations* (*continued*)

Agenda item 88: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories* (*continued*)

Agenda item 89: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations* (*continued*)

Agenda item 12: Report of the Economic and Social Council* (*continued*)

Agenda item 90: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories* (*continued*)

* Items which the Committee has decided to consider together.

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

98-81567 (E)

The meeting was called to order at 3.05 p.m.

Agenda item 18: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*) (A/53/23 (Parts II, V–VIII), A/AC.109/2102–2104; 2106–2110; 2112–2118)

Agenda item 87: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/53/23 (Part IV), chap. VIII, A/53/263)

Agenda item 88: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*) (A/53/23 (Part III))

Agenda item 89: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*) (A/53/3 (chap. VIII, sect. D), A/53/23 (Part IV), chap. VII, A/53/130 and Corr.1, A/AC.109/L.1880, S/1998/76)

Agenda item 12: Report of the Economic and Social Council (*continued*)

Agenda item 90: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*) (A/53/262 and Add.1)

1. **Mr. Amorin** (Brazil), speaking on behalf of the States members of the Common Market of the Southern Cone (MERCOSUR), and Bolivia and Chile, said that those countries associated themselves with the statement made by the representative of Panama on behalf of the Rio Group. Stressing the importance and the success of the decolonization process that had been conducted under the aegis of the United Nations, he reaffirmed the commitment of the States members of MERCOSUR and associated countries to the purposes and principles of the Charter of the United Nations and to the relevant resolutions of the General Assembly and the Committee of 24. Referring to the dispute that still persisted between the Argentine Republic and the United Kingdom regarding sovereignty over the Malvinas, he said that it was encouraging that the two countries had markedly strengthened their bilateral relations, as was demonstrated by the visit to be paid by Mr. Menem, President of the Argentine Republic, to the United Kingdom at the end of October 1998. The cooperation instituted by those countries in the conservation of fish stocks and development of oil reserves in the South West Atlantic was also noteworthy.

2. In conclusion, he read out the Declaration on the Malvinas, adopted at the tenth meeting of the Presidents of the States members of MERCOSUR, Bolivia and Chile, in which they reaffirmed their support for the legitimate rights of the Argentine Republic and called for a rapid settlement of the question in accordance with resolutions of the United Nations and the Organization of American States.

3. **Mr. Eguiguren** (Chile) said that his delegation associated itself with the statements made by the representative of Panama, on behalf of the Rio Group, and by the representative of Brazil, on behalf of MERCOSUR. He stressed that the decolonization process was not yet over, since there were still 17 Non-Self-Governing Territories whose populations had not yet exercised their right to self-determination.

4. Chile supported the political process which was under way in New Caledonia, which had recently led to the Nouméa Accord. In that respect, he commended the cooperative attitude shown by France to the Special Committee in 1998. He also commended the Government of New Zealand for the spirit of cooperation it had always shown in its relations with the Special Committee in its capacity as administering Power of Tokelau.

5. With regard to the question of East Timor, the negotiations which had been undertaken between Indonesia and Portugal were significant.

6. The progress achieved in the identification process in Western Sahara was also encouraging. Chile hoped that the remaining issues would be resolved and that it would be possible to proceed to the referendum without any further delay.

7. Chile remained convinced that the search for a peaceful and negotiated solution between the Argentine Republic and the United Kingdom on the question of the Malvinas was the only possible option.

8. He wished to thank the Government of the Republic of the Fiji Islands for having hosted a regional seminar of representatives of Non-Self-Governing Territories, representatives of interested Member States, and experts.

9. In conclusion, he said that two years still remained for the Special Committee to eliminate all the remaining colonial situations. He therefore supported the proposal of the Acting Chairman of the Special Committee to convene a meeting in the near future in order to take stock of its work and plan its future activities. His delegation intended to contribute actively to that meeting and hoped that it would help the Special Committee fulfil its mandate by the end of the International Decade for the Eradication of Colonialism.

10. **Mr. Ovia** (Papua New Guinea) said his delegation believed that the rapid and peaceful settlement of the question of the status of the 17 remaining Non-Self-Governing Territories was not an impossible task. Although those Territories were at different stages of development and were in very different geographical and historical circumstances, with goodwill and cooperation from all sides solutions could be found for each case. In that respect, the conduct of the Governments of New Zealand and France with regard to Tokelau and New Caledonia, respectively, was exemplary. The Nouméa Accord provided a sound basis for the fulfilment of all the legitimate political aspirations of the New Caledonians.

11. With regard to the island of Guam, his delegation felt that, despite the progress made, much more needed to be done. It was therefore sponsoring a draft resolution which called for dialogue, consultations and cooperation between the Government of the United States of America and the territorial Government of Guam. Contrary to what the representative of the United States of America had said, the draft resolution had not been drawn up without consulting the main parties concerned. The United States of America and the Territory of Guam had both been consulted, but the representatives of the United States of America had categorically refused to discuss the contents of the draft resolution. The sponsors of the draft resolution saw it as a beginning rather than an end. Papua New Guinea therefore appealed to the Government of the United States of America to study it carefully and begin the process of consultations with the people of Guam.

12. His delegation was willing to cooperate with all delegations concerned to eliminate the last vestiges of colonialism. In particular, it was in favour of organizing visiting missions to the Territories concerned to ascertain the wishes of the peoples and of holding referendums or other forms of consultation with a view to the self-determination of the peoples concerned. Since there was a risk that the Special Committee might not achieve all the objectives of the Decade by the year 2000, Papua New Guinea believed that consideration should be given to a successor arrangement to be instituted at the end of the Decade so as to bring an end to colonialism.

13. **Mr. Fils-Aimé** (Haiti) said that there was a tradition of solidarity between Haiti and the peoples living under the colonial yoke. Since it had experienced the scourge of colonialism for over three centuries, the Republic of Haiti was able to understand the dimensions of the problems that were being experienced by the peoples of the Non-Self-Governing Territories.

14. The accession of over 100 countries to national sovereignty over the past four decades was certainly a success, but the United Nations had not yet completed its task, since there were still 17 Non-Self-Governing Territories. Although some argued that most of these Territories were only small islands scattered in the Caribbean or the Pacific, as long as they were inhabited by men and women who valued liberty and equality, the human conscience would demand that those Territories should be placed at the same level as larger or more powerful Territories.

15. The Haitian delegation had noted with satisfaction the progress made in the voter identification process in Western Sahara, and with regard to the future status of New Caledonia and Tokelau. The beginning of a democratization process in East Timor was also encouraging. The statement made by the representative of the United Kingdom, in which she had said that her country was ready to consider any proposal on the future of the Territories put forward by the people of the Territories themselves had been favourably received by the Haitian delegation.

16. While freedom was often guaranteed by independence, there were nevertheless other options and other kinds of autonomy for the peoples of those Territories. The administering Powers and the United Nations must therefore organize political-education programmes for those peoples. Similarly, visiting missions and regional seminars were extremely useful for gaining an understanding of the real problems faced by populations. However, the right to freedom and self- determination was not merely the outcome of a series of political measures. It also included the right to have enough to eat, the right to health and education, the right to work and leisure, the right to protect one's environment and natural resources and the right to preserve one's culture and traditions. In order for any political freedom to be viable, it must have a firm socio-economic basis. Haiti therefore appealed to the administering Powers and the specialized agencies of the United Nations to help those Territories set out on the road to sustainable development and take up the challenges that lay before them.

17. **Mr. Wilmot** (Ghana) said that it was regrettable that, 38 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, there were still 17 Non-Self-Governing Territories. He called upon all administering Powers of those Territories to follow the example of New Zealand which, through its constructive cooperation with the population of Tokelau and the United Nations, had promoted the socio-economic

development of those islands and the advancement of their population towards the exercise of its right to self-determination.

18. In accordance with the recommendations contained in the Special Committee's report (A/53/23), which his delegation fully supported, the right to self-determination was one of the inalienable rights of non-self-governing populations and the administering Powers had a duty to promote the socio-economic development of the Territories and preserve their cultural identity. It was also their duty to continue to take all the measures necessary to protect the environment of the Territories under their administration and to deal with such problems as drug-trafficking, money-laundering and other offences.

19. Under Article 73 *e* of the Charter of the United Nations, the administering Powers had a duty to transmit regularly to the Secretary-General information relating to conditions in the Territories, and the political aspirations expressed by the peoples of the Territories in free and fair referendums or other forms of consultation. They also had a duty to cooperate with United Nations visiting missions in order to enable them to obtain first-hand information.

20. His delegation commended the Secretary-General and the Ministers for Foreign Affairs of Indonesia and Portugal on the progress made towards a settlement of the question of East Timor, and noted that the objectives of the Declaration could not be attained without the full cooperation of the administering Powers.

21. His delegation was pleased the Special Envoy of the Secretary-General, Mr. James Baker, had managed to lay the groundwork for a settlement of the question of Western Sahara. Ghana fully supported the aspirations of the Saharan people to self-determination and urged all sides to show flexibility and restraint. He reaffirmed the need for Morocco and Frente POLISARIO to continue their direct talks under United Nations auspices with a view to holding the referendum as soon as possible.

22. Ghana urged all the administering Powers, in compliance with the resolutions of the General Assembly and the Special Committee, to give consideration in all their actions to the human, political and economic rights of the peoples of the Non-Self-Governing Territories.

23. He urged all Member States to contribute to the efforts of the United Nations to eliminate colonialism by the end of the millennium and invited all United Nations agencies and bodies to promote the socio-economic development of the Non-Self-Governing Territories.

24. **Mr. Snoussi** (Morocco) said that the question of Western Sahara was not a question of decolonization but of territorial integrity. After giving a brief history of the Territory, he recalled that the International Court of Justice had recognized that the Territory belonged to Morocco, and that his Government had proposed the holding of a referendum as a token of its good faith.

25. Pursuant to the settlement plan and the identification criteria endorsed by the Security Council in its resolution 725 (1991) of 31 December 1991, which had been accepted by the two parties, all the Saharans who had been included in the 1974 census, or had resided in the Territory for a certain period, or whose parents had left the Territory for political or economic reasons, were entitled to take part in the referendum.

26. The previous Secretary-General had encouraged Morocco to accept a compromise, the criteria for which were even more restrictive. The other party had finally refused to accept that compromise, wishing to apply only that part of the settlement plan that would enable it to hold a referendum that suited its own purposes. Having for a long time claimed that the Saharan population was several times greater than that of the population recorded in the 1974 census, the other party was currently attempting to restrict participation in the referendum to those who had taken part in the 1974 census, thereby excluding tens of thousands of genuine Saharans.

27. In his report of 24 November 1995 (S/1995/986), the Secretary-General had clearly indicated that the other party had been responsible for the obstacles that it had encountered, and that there had been no progress towards a settlement of the issue despite the successive concessions made by Morocco until 1996.

28. In 1997, the other party had signed the Houston agreements, which stipulated that applicants from census groups H41, H61 and J51/52 could present themselves individually in order to be identified. However, hardly had the other party returned from Houston than it refused to participate in the identification of anyone who had not been involved in the 1974 census.

29. For six years the settlement of the issue had been thwarted by the problem of identification. In order for a truly free and transparent referendum to be organized, each applicant must be allowed to report in person in order to give proof of his eligibility without being subject to any discrimination.

30. Only one of the so-called petitioners heard by the Committee was Saharan. Had Morocco invited the last 100 refugees who had returned from the Hamada camps to testify

before the Committee, they would have said that they had lived under threat of arms and torture when they had dared to express dissenting opinions. They would have said that they had been forced to state that they wished to live in the east, in that no man's land where there were no wells or grazing land, and they would have described how their rights had been flouted. They would have asked why the international community had remained silent in the face of so many abuses.

31. His Government was resolved to cooperate with the United Nations High Commissioner for Refugees but warned him about the need to do everything possible to protect the refugees from the pressures to which they were being subjected to make them vote to order.

32. Morocco, which had already contributed several million dollars towards the management, upkeep and housing of MINURSO, offered it all the facilities it needed in order to implement its mandate. Although the presence in Morocco of MINURSO, ever since it had first been deployed in 1991, was regulated by an exchange of official letters between the Prime Minister of Morocco and the Secretary-General of the United Nations, Morocco had closely studied the agreement on the status of MINURSO which had been submitted to it by the Secretariat of the United Nations. It was confident that the United Nations would take into consideration the amendments which it had proposed in order to facilitate the early conclusion of an agreement. Morocco would continue to cooperate fully with the Security Council and the Secretary-General in order to assist them to fully and faithfully implement the settlement plan and the Houston agreements. It was convinced that, if all the provisions of the plan were respected without discrimination or manipulation, the cause of territorial integrity which it championed would prevail over vague desires for separation and fragmentation.

33. **Mr. Morales** (Spain), referring to the statement made on 7 October 1998 by the petitioner from Gibraltar, Mr. Caruana, noted that in the majority of cases, colonial peoples had exercised their right to self-determination and that the principle was equally applicable to the majority of the 17 Territories which remained under colonial rule. However, where colonies had been established on the territory of other States, decolonization could only be achieved by re-establishing the territorial integrity of the States involved. Gibraltar came into the second category.

34. It was not just Spain which sought formal application of the principle of territorial integrity to the decolonization of Gibraltar. It was also the annual practice of the United Nations to urge the United Kingdom and Spain to continue their negotiations with a view to ending the colonial status of Gibraltar.

35. Gibraltar, geographically and historically an integral part of Spain, differed from other colonial Territories that had been seized by force in that it had been made into a military base by the colonial Power. Gibraltar was a colony of the United Kingdom, even if the real inhabitants of the Territory were not a colonial people. That people was not the indigenous population; it was composed of the descendants of British settlers and others whom the colonial Power had brought to Gibraltar. Mr. Caruana was right: Gibraltar had been populated by British people for 294 years. It was precisely for that reason that the right to self-determination, the purpose of which was to end colonialism, could not be invoked in order to perpetuate the colonial phenomenon.

36. Furthermore, it was not possible to compare, as Mr. Caruana had done, the situation of Gibraltar with that of the United States, Australia or New Zealand prior to independence. It more closely resembled the situation of Hong Kong or Macau, the existence of which affected the territorial integrity of the State in which each had been implanted.

37. Gibraltar could continue to be a British colony or revert to Spain. No other solution was possible. Spain would continue to oppose any initiative that would lead to the question of Gibraltar being settled other than in accordance with the retrocession clause of the Treaty of Utrecht, which had established Spain's right to exercise sovereignty over Gibraltar, should the latter cease to be British, pursuant to the consultations it had held with the United Kingdom in Brussels, the tenets of the United Nations and the decisions of the General Assembly. The fourth option set forth in General Assembly resolution 2625 (XXV) was relevant only to Territories to which the principle of self-determination was applicable, not to Gibraltar.

38. The Spanish Minister for Foreign Affairs, Mr. Matutes, had said that he was prepared to meet the Gibraltar Minister, but the latter had rejected sight unseen the proposal made by Mr. Matutes at negotiations between the Governments of Spain and the United Kingdom in December 1997. It was not by depriving Spanish fishermen of their only means of subsistence and invoking the sovereign rights of Gibraltar over waters over which Spain did not recognize the jurisdiction of the United Kingdom that the latter would create conditions favourable to dialogue.

39. **Ms. Smith** (United Kingdom), speaking in exercise of the right of reply to comments made by the Cuban, Brazilian (on behalf of the Southern Common Market) and Chilean

delegations, recalled that the Permanent Representative of the United Kingdom had clearly set forth the position of his Government with regard to the Falkland Islands when he had spoken in exercise of the right of reply in the General Assembly on 22 September 1998. She also recalled that he had clearly set out the position of his Government with regard to Gibraltar when he had spoken in exercise of the right of reply in the General Assembly on 23 September 1998 in response to a statement made by the Prime Minister of Spain.

40. **Mr. Zohar** (Israel), speaking in exercise of the right of reply, said he regretted that the Papua New Guinea delegation had included Palestine among the territories currently being examined by the Committee. The question of Palestine was not a colonial question. It concerned a territorial dispute between two neighbouring countries which had been the subject of detailed studies carried out as part of the Madrid conference and Oslo Accords in order to enable the parties to reach a peaceful solution that would take into account all aspects of the problem. In the course of the current week, Israeli and Palestinian delegations would meet near Washington under the aegis of the United States with a view to strengthening relations between the two countries as part of the peace process, and his delegation hoped that the meeting would bear fruit. The Palestinian population of the whole of the Gaza Strip and of 98 per cent of the West Bank was governed by the Palestinian Authority and its democratically elected president, Mr. Yasser Arafat. Palestinians had their own flag, their own executive power, separate judicial and legislative bodies and a separate armed police force. Israel could not be held responsible for their future, since they were neither its subjects, nor its enemies, but simply its neighbours. His delegation therefore considered that the question of Palestine, already considered by other United Nations bodies, should not be raised in the Committee. It urged all delegations to support the current peace process.

The meeting rose at 4 p.m.